

MINUTES

NATURAL RESOURCES COMMISSION

FEBRUARY 5, 2009

**DIAGNOSTIC CENTER FOR POPULATION AND ANIMAL HEALTH
4125 Beaumont Road
Lansing**

PRESENT FOR THE NRC

Keith Charters, Chair
Frank Wheatlake, Vice-Chair
Mary Brown
Hurley Coleman
John Madigan
J. R. Richardson

PRESENT FOR STAFF

Jim Riley, Legal Counsel
Rebecca Humphries, Director
Rodney Stokes, Chief of Staff
Mindy Koch, Resource Management Deputy
Stacy Welling, Upper Peninsula Field Deputy
Dan Eichinger, Legislative Liaison
Teresa Gloden, Assistant to the NRC
Other DNR Staff

COMMITTEE OF THE WHOLE

Chairman Keith Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:04 p.m.

Legislative Update

Dan Eichinger, Legislative Liaison, provided the NRC with a list of House committee members for the 2009-2010 legislative session. No DNR committee hearings have been scheduled in the House. The Director and Mr. Eichinger will be scheduling "meet and greets" with various legislators over the next month or so.

Senate Bill 010, sponsored by Senator Richardville, was introduced and would restore the regulations governing falconry that sunset on December 31, 2009. The DNR supports this Bill. Senate Bill 164, sponsored by Senator Barcia, was introduced that would enable a person with a temporary disability to possess and use a crossbow during the hunting season. The DNR supports this Bill.

Mr. Eichinger also reported that Representative Sheltrown introduced a joint resolution that would alter the Constitution and allow redirection of funds from the Michigan Natural Resources Trust Fund.

Washington D. C. Report

Director Humphries recommended the NRC review the article provided by Carol Bambery titled, "Seizing a Funding Opportunity and Making Conservation a National Priority."

Director Humphries reported that the Association of Fish and Wildlife Agencies formed an Industry/Agency Coalition in 2005, and its overarching goal is to increase funding for the conservation of North American fish and wildlife through a variety of venues. The coalition is working with industry trade associations like the National Shooting Sports Foundation, American Sportfishing Association, Archery Trade Association and National Marine Manufacturers Association.

In response to the coalition's interest in generating awareness about how hunters and anglers have supported conservation, a video was produced. This video was played.

A component of this coalition includes a marketing coordination team whose goal is to significantly increase at a national level an understanding of sportsmen- and sportswomen-funded conservation successes and ongoing efforts.

That team will be producing an advertising campaign that the state agencies will be able to tailor to their state, much like the Recreational Boating and Fishing Foundation's ***Take Me Fishing*** campaign.

Aligning with this national effort, **Director Humphries** recently formed a DNR Marketing Work Group to help develop a comprehensive marketing plan for the agency, bringing in members from our partners in industry as well as the university and other stakeholders. Three meetings have been held to date arrived at five goals - one of which the DNR is already pursuing through a contract with Pace and Partners, a Lansing-based marketing firm.

Working with Pace and Partners, and with help from the Business College at Michigan State University, the DNR will be learning about who its customers are, what outdoor activities the customers participate in, will look at cross-promotion possibilities, and help identify ways to attract new users. Part of the contract also includes an internal look at how the DNR does marketing within the agency, and, in fact, the commissioners will be interviewed as part of the process.

MSU Shooting Range

Director Humphries noted that the shooting range at MSU is currently under construction and is expected to be open for use later in the summer of 2009. She encouraged folks to stop by to tour the site.

Monthly Spend Plan Update

Sharon Schafer, Chief, Budget and Support Services, presented an update on the DNR Spend Plan. Details can be obtained by clicking on the following website:
http://www.michigan.gov/documents/dnr/CoverFeb52009_266106_7.pdf

She noted that the total Legislative budget appropriation for the DNR for the current fiscal year is \$275 million. However, staff is closely monitoring if revenues will be available to support this appropriation. **Ms. Schafer** reviewed appropriation adjustments to-date as well as spending items held. She also reviewed the items held to address the \$10 million projected deficit in the Game and Fish Protection Fund. She will continue to update the NRC monthly.

Ms. Schafer mentioned that the park and timber revenues will need to be closely monitored due to the limited fund balance available and the current state of the economy.

Director Humphries said she hopes no layoffs will occur as a result of reductions. However, vacancies will remain open. She noted that the Parks Improvement Fund, Game and Fish Protection Fund and Forest Development Fund will be of concern in Fiscal Year 2010-2011. Either programs will need to be reduced or additional funding will be necessary. Efforts are in place to attempt to increase sales revenues into these programs. The DNR is in the process of identifying priority programs and will be seeking input from constituent groups on this issue.

Commissioner Coleman emphasized the importance of the need to continue delivery of services and communicating this to constituents if vacancies are not filled. He said that cutting of services to programs such as marine safety will have a ripple effect on other agencies and local governments. He commended the DNR in recognizing the need to maintain, at a minimum, the staff levels that exist. **Chairman Charters** noted that, even though vacancies will be held at current levels, it is important to maintain revenues to maintain the staff levels that exist currently.

Discussion ensued relative to this issue.

Single Audit

Joe Frick, Chief, Financial Services, said the Office of the Auditor General recently released the Single Audit of the Department of Natural Resources. A Single Audit is conducted on each agency every other year for a two year period, and is designed to meet the needs of all financial report users, including an entity's federal grantor agencies. The audit determines if the financial schedules and/or financial statements are fairly presented; considers internal control over financial reporting and internal control over federal program compliance; determines compliance with requirements material to the financial schedules and/or financial statements; and assesses compliance with direct and material requirements of the major federal programs. Seven programs were audited. **Mr. Frick** said the DNR was pleased, overall, with the audit outcome and said the audit contributes to the transparency of DNR programs with the States citizens and with the Legislature. Copies of the report are available on the web site of the Office of the Auditor General.

Chronic Wasting Disease (CWD) Surveillance 2008 - Report

Steve Schmitt, DNR Veterinarian, reported that, to date, deer and elk surveillance has not detected additional cases of CWD in Michigan. Although this is good news, he said additional surveillance must continue. The same level of surveillance as done in 2008 will continue for an additional two years.

Cases of CWD are most likely to enter Michigan through human-assisted movement of an infected live deer, or human-assisted movement of an infected carcass.

Prevention of CWD becoming established in the free-ranging deer herd can be achieved by continuing the captive cervid importation ban and continuing restrictions on importation; possession of harvested free-ranging deer or elk from states or provinces where CWD has been found; maintaining the feeding and baiting ban in the Lower Peninsula; and continuing adequate CWD testing of captive and free-ranging cervids.

Dr. Schmitt said, "We must continue to be diligent in preventing the establishment of CWD in free-ranging deer in Michigan. If we fail and the disease becomes established, we will likely have to live with it forever."

Shannon Hanna, Wildlife Division, reported there are a total of 492 existing privately owned cervid facilities in the state. In 2008, 13 new registration applications were received of which 9 are still pending. Currently, there are 79 facilities in the decommission phase, 65 since the August 25, 2008 statewide quarantine.

Ms. Hanna reported on the status of privately-owned cervid facility (POC) quarantine releases as of 2/2/09. Of the existing 492 POCs, 224 have been released from quarantine, 52 are not yet ready for site visits, 37 are unable to be reached, and 131 are bovine tuberculosis and CWD non-compliant. Staff has been diligently working with POC owners to clean up.

Dean Molnar, Law Enforcement Division, reported on August 25, 2008, 5558 notices of quarantine in 82 counties were served by staff of the DNR Law Enforcement Division, Wildlife Division and Department of Agriculture. The POCs were placed under surveillance with the main objective to prohibit the movement of all dead or alive captive cervids.

Dr. Steve Halstead, State Veterinarian, reviewed POC disease surveillance. Specimen submission requirements include 100 percent of cervids 12 months of age or older. The POC disease surveillance for 2008 was 4152 cervids; 3266 since the index case in Kent County was detected. He said there are more facilities that remain quarantined that have been released.

Dr. Steve Schmitt said that feeding and baiting bring deer together and increases the disease transmission rate. **Dr. Halstead** concurred.

Commissioner Wheatlake asked if the NRC has the ability to put a moratorium on any new POCs? **Director Humphries** responded no and stated Legislative authority would be needed to do so.

Commissioner Wheatlake asked what happened to the animals in the decommissioned POCs? **Dr. Halstead** responded. If they were in compliance with their testing requirements, POC owners were allowed to sell or move them live.

Commissioner Wheatlake asked what it means to be TB or CWD non-compliant? **Ms. Hanna** replied that means the POC owners have not completed their testing for either disease.

Ms. Hanna said POC applications are good indefinitely. However, registrations must be renewed every three years. This is written in statute.

Chairman Charters asked how long POC owners have in the decommissioning process? **Ms. Hanna** said decommission agreements are written spelling out exactly what must be done: harvest the animals, obtain last three years of records, and perform a decommission inspection assuring all animals are out of the enclosure. Once these steps are completed, the fence can be removed or breaks must be created. Agreements are effective for 90 days. Decommission inspections are performed by the local DNR biologists.

Commissioner Madigan asked if there is legislative support for a moratorium on new POC facilities? **Director Humphries** replied there is a new legislature and at this time there is no pending legislation on this issue.

Commissioner Madigan said the Lower Peninsula has a baiting and feeding ban, yet there are 100 POC facilities out of compliance. He believes there is an imbalance. **Chairman Charters** said this is partly because there is not enough staff to address the POC facilities.

Commissioner Brown said one way for CWD to enter the state is by bringing body parts into the state – particularly those taken to taxidermists. She asked if there are adequate regulations for taxidermists to prevent disease spread. **Mike Bailey, Wildlife Division**, said the upcoming taxidermist regulations will include these regulations.

Ms. Hanna said there is a loop-hole in the law where it is not illegal to bring captive body parts into Michigan.

Commissioner Madigan asked what the NRC can do to assist in getting the non-compliant facilities into compliance? **Chairman Charters** added to that question by asking if a list plan of what the experts believe is needed either internal procedures or statutory, so there are not 131 non-compliant facilities. **Ms. Hanna** responded stating the DNR and Department of Agriculture sent a joint letter saying the non-compliant facilities would not get renewed when their registration runs out beginning January 1, 2010. **Director Humphries** said there is a need to change authorities. However, she said the departments do not bring enough revenue in from the current fee structure to support staff to do what is needed. She said staffs of the DNR and Department of Agriculture have been meeting with Governor's Office, Legislators and the industry to get Legislative changes through for finances and regulations.

Chairman Charters said it is a top priority to get the authorities to regulate POC facilities.

Commissioner Coleman said the State agencies have a responsibility to the resource and the general public to communicate why the extreme measures were taken to prevent CWD in the State and why these measures will continue.

Chairman Charters said that actions taken must be done in line with what is best for the resource. The disease issue is too dangerous to take any chances with. It is important to provide staff with all of the resources needed to expedite action on this situation.

Ms. Hanna said the quarantine release inspections had been contracted out, but funding doesn't exist to do additional work. A request for a budget supplemental has been made but it has not yet been addressed by the Legislature.

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The Committee of the Whole meeting adjourned at 4:50 p.m. and the Public Appearances portion of the meeting convened at 4:50 p.m.

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PUBLIC APPEARANCES

Dave Larson opposes the current ban on deer feeding and baiting stating it has caused a loss in retail revenues. He urged reinstatement of the two gallon limit on baiting and feeding.

Ted Rutkowski has bow hunted for 30 years. He supports full inclusion for crossbows, or at a minimum, supports senior eligibility of 50 years old, and supports youths aged 10 years and up to hunt with a crossbow during deer season.

Bill Audette supports full inclusion of crossbow.

Dennis Reid stressed the importance to focus on recruitment of youth hunters and retention of aging hunters. He supports allowing youths age 10 to 16 years of age to use crossbows and to allow those who are 50 years of age and older to use crossbows.

Ed Spinazzola reviewed his proposal for food plots on State land. He would like the DNR to conduct a pilot program.

Milton Whitmore urged allowing individuals 50 years of age and urged a crossbow youth season to include 10 to 16 years of age. He believes youths will transition into using a bow after age 16; does not believe this would be detrimental to the deer population; and supported allowing women to also use a crossbow.

Dean Hall, Michigan Sportsmen Against Hunter, said the program is a non profit program driven by a collective board of volunteers that began in Michigan in 1991. It was designed to enable venison collection sites at participating deer processors, to collect a point or two of donated ground venison from donations. The group also collect non-perishable canned goods. He thanked the DNR for working with this group. He

also recognized the processors who participated in this program as well as other individuals and groups who assist.

Ron Andres supports full inclusion of crossbows.

Merle Shepard, Safari Club International (SCI), believes allowing crossbow usage will promote getting more individuals into the woods by making it possible for youths and women who cannot pull a bow to hunt. He believes keeping women and youth in the fields is the best way to build a hunting base. The SCI supports full inclusion of crossbows. He also recommended there be a license for crossbows which would increase match funding through the Pittman-Robertson fund.

Mr. Shepard supports transferring full regulation of privately owned cervid facilities to the DNR.

Mr. Shepard believes reconstituting the license fee increase discussion would be successful if groups such as the National Rifle Association were included.

Sandra Wheelock supports full inclusion for crossbows and believes allowing this for a period of time would determine if there is a resulting impact on the deer population. She said this is the only way to prove if the decision is of sound science.

Jim Sweeney urged allowing crossbows in any season where archery equipment is currently allowed to be used. He believes this will encourage recruitment and retention of hunters.

Jack Kleinhardt, Clare, expressed concern that deer are dieing due to the hard winter and the lack of supplemental feeding.

Tim Pifher, Flint Chapter, Safari Club International, recommended full inclusion of crossbows. He believes this would promote recruitment and retention by allowing youth, women and families to hunt together and would bring additional revenue into the Game and Fish Protection Fund through license sales.

Michael Brownfield, Michigan Bow Hunters (MBH), said the MBH is celebrating its 60th Anniversary and has played a big part in recruiting hunters. He does not believe full inclusion of crossbows will resolve the issue of declining recruitment and retention.

George Munn supports full inclusion of crossbows.

Tim Minge supports full inclusion of crossbows.

Ellen Nitz, Citizens for a Quiet Community, asked that the Island Lake Shooting Range concessionaire's lease not be renewed in September of 2009 until sound issues are resolved. She also asked that shooting ranges not be placed in parks.

Jenness Wiegand, Citizens for a Quiet Community, questioned where the approval is for the use of sporting clays at the Island Lake Shooting Range.

Bonnie Shaffer urged full inclusion for crossbows and to also include youths. She said hunters should have a choice of which type of bow is allowed.

Robert Morgan recommended creating “better bucks” in the Lower Peninsula” by harvesting more antlerless deer. He urged creation of programs to allow more youth to hunt.

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The Public Appearances portion of the meeting adjourned at 6:17 p.m. and the Regular Meeting of the NRC convened immediately.

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CHAIRMAN CHARTERS’ COMMENTS

State Government Reorganization

Chairman Charters noted that during the Governor’s State of the State Address on February 3, downsizing of State government was discussed. It is likely that the DNR will be combined with at least one other Agency. With that in mind, he said he would not change the NRC committee structure until more details are reported.

Chairman Charters said he has communicated with **Governor Granholm** that the and the NRC would assist in that reorganization process and would be part of the solution.

NRC Policies

Chairman Charters noted that in 1999, the NRC Policy Committee on Land Management, under the lead of former Commissioner Paul Eisele, reviewed NRC Policies that were land management related. Following this review, several policies were rescinded, retained or revised depending on the nature of the policy. This type of review has again begun to assure the remaining policies are, in fact, policies and not procedures. As necessary, policies will be rescinded, retained or revised as appropriate.

APPROVAL OF MINUTES – JANUARY 8, 2009 NATURAL RESOURCES COMMISSION MEETING

Commissioner Madigan made a motion, supported by **Commissioner Coleman**, for approval. Motion unanimously carried.

DIRECTOR’S ACTION ITEMS

Director Humphries intends to sign all Director’s Action Items on the Agenda **except Sale of Dedicated State-owned Land, AuSable State Forest – Crawford County, Land Transaction Case #19980101 (Director Humphries signed a denial letter for that transaction).**

COMMITTEE REPORTS

NRC Policy Committee on Land Management

The NRC Policy Committee on Land Management convened on February 5, 2009 at 12:15 p.m. at the Diagnostic Center for Population and Animal Health. Commissioners Charters, Coleman, Richardson and Brown were present for the Committee. Commissioners Madigan and Wheatlake were also present. See attached Minutes.

NRC Policy Committee on Wildlife and Fisheries

The NRC Policy Committee on Wildlife and Fisheries convened on February 5, 2009 at 1:15 p.m. at the Diagnostic Center for Population and Animal Health. Commissioners Madigan and Charters were present for the Committee. Commissioners Brown, Coleman, Richardson and Wheatlake were also present. See attached Minutes.

Crossbow Discussion

The Crossbow Discussion group met on February 5, 2009 at 2:30 p.m. at the Diagnostic Center for Population and Animal Health. Co-Chairs Commissioners Madigan and Richardson were present as well as Commissioners Brown, Coleman, Wheatlake and Charters. See attached for Minutes.

Commissioner Wheatlake recommended the following to be added as an option on crossbow usage: add a cap on crossbow velocity; allow youths 10-12 years of age to hunt with a crossbow in any season; and, for a three year period of time, allow full inclusion of crossbows in Zone 3.

COMMISSIONER REPORTS

Commissioner Richardson met earlier in the day with forest industry representatives and DNR staff to discuss timber issues; met with the Ottawa National Forest staff on forestry issues in Ontonagon; and noted there will be a meeting of the UP Habitat Work Group on March 27, 2009 in Iron Mountain.

Commissioner Wheatlake noted there would be a Snowmobile Advisory Committee meeting on February 26, 2009 in Sault Ste. Marie.

Commissioner Madigan invited the NRC to comment on the draft Bear Management Plan, and announced there will be another Crossbow Discussion meeting on March 5, 2009.

Commissioner Coleman said the DNR was recognized at a recent conference of the Michigan Parks and Recreation Association. He encouraged review of the current outdoor initiatives and stressed the need to start stressing Michigan's many outdoor resources and to spread the story.

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The meeting adjourned at 6:33 p.m.

NRC Policy Committee on Wildlife and Fisheries

Kelley Smith, Chief, Fisheries Division, quickly mentioned that the U. S. Fish and Wildlife Service (USFWS) is looking for additional scientific information on the brook trout in regards to listing on the endangered species list.

Adam Bump, Wildlife Division, provided a bear and fur harvest update. He touched on the following data:

2008 desired harvest, number of bears registered, and the license quotas. There were less bears harvested in the western Upper Peninsula (WUP) than hoped and more than expected in the eastern Upper Peninsula (EUP). In addition, there were 14 tribal bears registered with an allowable harvest of 163. Next, Adam provided a couple handouts on fur auction prices. He noted that fur harvester prices are declining everywhere.

Mike Bailey, Wildlife Division, mentioned that the DNR continues to work with the Michigan Taxidermy Association on potential changes to the WCO relating to taxidermy. These changes will go to the NRC for information in March.

Rebecca Park, Farm Bureau, and Amy Spray, Michigan United Conservation Club, discussed their new partnership, which was to connect farmers and hunters during the early antlerless season. They had quite a bit of interest. Many farmers wanted hunters that were disabled, youth, or veterans. They believe there are many opportunities. However, they only had about four or five farmers participate thus far but have many calls already for next year.

NRC Policy Committee on Land Management

Present:

Commissioner Keith Charters, Chair
Commissioner Frank Wheatlake
Commissioner Hurley Coleman
Commissioner Mary Brown
Director Rebecca Humphries
Rodney Stokes, DNR, Chief of Staff
Resource Management Deputy Mindy Koch
Dave Freed, DNR, OLAF
Lynne Boyd, DNR, FMFM
Russ Mason, DNR, Wildlife
Kelley Smith, DNR, Fisheries
Pat Spitzley, DNR, Legal Services
Dan Eichinger, DNR, Legislative Liaison
Dean Molnar, DNR, Law Enforcement
Dennis Fox, DNR, Communications
Cindy Salmon, DNR, OLAF
Jim Wood, DNR, Grants Management
Doug Reeves, DNR, Wildlife
Kelly Siciliano Carter, DNR, Wildlife
Earl Flegler, DNR, Wildlife
Paul Yauk, DNR, Parks and Recreation
Jule Stafford, DNR, Grants Management
Deb Apostol, DNR, Grants Management
LuAnn Klont, DNR, Legal Services
Kerry Wieber, DNR, FMFM
Dennis Knapp, DNR, Executive
Steve Sutton, DNR, Fisheries
Jon Mayes, DNR, Land and Facilities
Ed Meadows, DNR, Land and Facilities
Shawn Hagan, The Forestland Group
Rachel Kuntzsch, Heart of the Lakes
Jim DeClerck, Saginaw Field & Stream
William Furtaw, Pine River Sportsman Club
Robert M. Borchak, MUCC Region 4
Steve Hewett, DNR, Fish
Michael Brownfield, Michigan Bow Hunters
Tim Kline, Ted Nugent United Sportsmen/Physically Challenged Sportsmen
Kristin Nelson, Trout Unlimited
Katie Kahl, Heart of the Lakes
Curtis Stone, Michigan United Deer Hunters
Chris Klaver, Gongwer News Service
Jerry Crandall, MIRS
Warren Suchovsky, Citizen

Chairman Keith Charters called the meeting to order at 12:25 p.m. and reviewed the agenda for the meeting. He then turned it over to **Deputy Director Mindy Koch**.

1. **Draft NRC Policy: Appeal of Department Decisions to the Natural Resources Commission**

Mindy Koch, Resource Management Deputy, emphasized that this is a new draft DNR policy on how to handle appeals of certain department decisions. There are a few specific cases that in statute have the Natural Resources Commission as the body to hear appeals to DNR decisions. Two good examples are watercraft controls on lakes, and buoy permits, two pending cases that will come before the NRC in the next few months. **Pat Spitzley, Chief of Legal Services**, gave an overview of the draft procedures. The watercraft rules give applicants for permits who have the right to appeal department decisions including issuance, denials, extensions, revocations, and cancellations of permits. The procedures have been reviewed by staff, and are now being presented to the NRC for its review and comment. The original procedures were dated 1979, and have not been revised since then.

Chairman Charters said that since he's been on the NRC there have only been two or three contested cases; Commercial Fishing and Natural Rivers.

Pat Spitzley said that appeals on Commercial Fishing and Natural Rivers had come to the NRC in the past, but now go directly to the Administrative Law Judge due to changes in the law.

Lynne Boyd, FMFM Chief, noted that if the applicant who had a permit or operating license denied tried to go directly to the court, the judge would throw it right back saying you haven't exhausted your administrative appeal process.

Pat noted that the process has been drafted of what an applicant should do, and next staff will define the process of how the Department will proceed.

Commissioner Brown asked if this is similar to the DEQ policy. **Pat** said no, the DEQ does not have a Commission, but it is probably similar.

Chairman Charters said the Commissioners will review the policy and provide comments before the next NRC meeting to **Pat Spitzley**. **Commissioner Coleman** asked if **Pat** could provide the Commissioners, to help them distinguish between complaints and appeals made by political subdivisions, or by persons with legal standing, what that definition is. **Pat** said an example is when a governmental body creates an ordinance regarding a body of water within that community, if you are a person that resides in that community, you would be a person with legal standing because that decision would affect you.

Chairman Charters reiterated that in all his years on the NRC, he has only seen three appeals. **Mindy** said there is not a wide range of decisions that would go through this type of appeal process before the Commission, but she thinks we will begin to see more as the public wants more restrictions on uses of bodies of water. There are many more property owners and municipalities who want to buoy off areas so that the public can't use them. She anticipates that the department will want to say no to these requests to preserve the interest of the public.

Commissioner Coleman noted that by raising this issue, it will create more interest by the public.

2. Conservation Easements

Mindy said this is a follow up discussion to one that was held previously. **Rodney Stokes, Chief of Staff**, provided information to the Commission.

In what situations would the DNR advocate for an easement? Fee simple ownership is our highest priority. When fee simple is not an option, an easement will be considered based on the following criteria:

Public Access – non-motorized public access is required as a minimum and would include hunting, fishing, hiking, snowshoeing, etc. An exception to this would only be made for a safety issue. Requirement for access shall not be subject to prior written or verbal permission from the landowner prior to utilizing property.

Commissioner Brown said people have had trouble using these easements for horseback riding and mushrooming. When you start listing what is allowed, people may take that to mean that other non-motorized activities are not allowed.

Mindy Koch said local zoning could impact what we could allow on the land, so we need to consider this when deciding to purchase a conservation easement.

Location Relevant to State Project Boundaries – We wanted to hold true to our established project boundaries that were established in the Land Consolidation Process.

Rights to be Negotiated – May include timber rights, right to post signs, level of public access, etc. Non-severed mineral rights must be controlled by the easement, and any commercial forest act penalties must be paid by the landowner.

Funding/Monitoring Endowments – Require monitoring endowment for all conservation easements so that we don't have future financial obligations for the Department.

Other Considerations – What options, other than conservation easements have been considered? Is a conservation easement the most appropriate tool to protect the land? How will lack of protection impact the surrounding land? Consideration of the funding sources and requirements attached to the funding. How will the public be notified that this property is available for public access?

Timeline – The initial draft was presented to the NRC and discussions will be held with stakeholders on February 6, with a March 6 deadline date for comments. The Department will provide a synopsis of comments received, changes made, and final recommendations at the April NRC meeting.

Commissioner Wheatlake said he is not an advocate of conservation easements.

Chairman Charters said the timeline is important, and asked Commissioners to be sure to submit their comments by March 6, 2009.

3. Phase II Land Consolidation – Wrap Up

Mindy Koch introduced **Kerry Wieber, Chair of the Land Consolidation Process**, to update us on this process.

The Phase II Review was completed when the **Director** approved of the recommendations for the final group of counties in April 2008.

- DNR staff reviewed a total of 9,831 parcels
- DNR staff reviewed a total of 79,027.64 acres
- The county with the most parcels to review was Newaygo County with 939 parcels
- The county with the fewest parcels to review was Clinton County with 3 parcels
- DNR staff hosted 45 public meetings covering 83 counties
- The average public attendance at the meetings was 18 people/meeting
- The most attendance was 90 people – Oakland County
- The least attendance was 1 person – Osceola/Missaukee meeting and Clinton/Shiawassee/Ionia meeting
- The total public meeting attendance was 793 people (not including DNR staff)
- Total media interviews – we lost track...
- Total updates to NRC Policy Committee on Land Management – 10
- Phase II process began – June 2004 (pilot counties approved in March 2005)
- Phase II process complete – April 2008

Kerry passed out an attachment showing the Land Consolidation Acreage Summary including totals for the entire Phase II review. The summary also includes the total public lands **inside** DNR boundaries for each county.

Commissioner Brown asked when the next review would occur. **Kerry** said it was intended to be every ten years.

Chairman Charters said the team that worked on this deserves a pat on the back. They did an incredible job in reviewing all the public land, deciding if it should be retained or disposed, and now the disposal of the surplus land.

Deputy Koch said these properties are still being looked at through Phase III, which is the actual selling or exchanging of those surplus properties through an auction process. The **Office of Land and Facilities** has had a lot more success than she anticipated, and she would like those staff to provide an update on Phase III at the next Land Committee meeting.

Commissioner Coleman noted we should try to hang on to the properties that are close to highly populated counties.

Chairman Charters adjourned the meeting at 1:15 p.m.

CROSSBOW DISCUSSION

The meeting convened at 2:00 p.m. on February 5, 2009 at the Lansing Center, 333 E. Michigan, Lansing. Co-Chairs/Commissioners Richardson and Madigan were present. Commissioners Brown, Charters, Coleman and Wheatlake were also present.

Dennis Knapp, Assistant to the Resource Management Deputy, reviewed the three proposed Components of Wildlife Conservation Order, Amendment No. 2 of 2009, Crossbow Regulations and explained that the Components were as a result of previous discussions of the Crossbow Discussion group.

Following are three crossbow components as proposed:

1. Allows use of crossbows during any hunting season in which a firearm is legal to use;
2. Allows use of crossbows in Zone 3 during the December 1 to January 1 bow and arrow deer season;
3. Allows seniors (age 65 and older) to use crossbows during any deer season.

Mr. Knapp said this Amendment may create a requirement for hunters to request and receive a free crossbow stamp along with their regular hunting license. This stamp would allow for survey opportunities in the future.

Commissioner Madigan thanked everyone for their participation and assistance in developing the proposed regulations. He said the meetings have been well-attended and said he appreciates that the participants have been respectful of others' opinions. This group followed the efforts of the Crossbow Disability Work Group that previously revised the crossbow permit application process allowing broader opportunities for those with permanent disabilities to obtain a crossbow permit.

The charge of the Crossbow Discussion group is to "increase usage to maximize recreational access to the resources without damaging those resources." The Crossbows Regulations are proposed "For Information Only" in February and will likely be proposed for Action on March 5, 2009.

Comments are summarized below:

Dave Borgeson, Michigan Resource Stewards, commented as follows: 1) supports Component 1; 2) Supports Component 2 but suggested considering crossbow use outside the firearm season for antlerless only; 3) consider antlerless deer only and eliminate scopes from Component 3.

Art Keller opposes crossbow usage during bow hunting season.

Amy Spray, MUCC, said MUCC policy states that hunting with crossbows should not conflict with bow season, but supports crossbow usage during firearm season; believes the 65 and older is divisive; and supports the bill that has been introduced for issuing crossbow permits for temporary disabilities.

Country Woods Archery supports age 55 as the minimum age for an individual to be allowed to use a crossbow.

Chuck Jordan supports allowing crossbows as long as there is no negative impact on the resource. He does not believe there will be an increase in hunter recruitment and retention as a result of changing crossbow regulations.

Bob Drake supports allowing crossbow usage for anyone who wishes to do so.

Jim De Clerck, Saginaw Field and Stream, supports lowering the proposed minimum age for crossbow usage from 65 to 55.

Doug Brown commented on the three proposed Components as follows: Component 1: is problematic; Component 2: can live with that Component; Component 3: he believes the changes in the permitting process addressed this issue. He asked for data on how the Components would assist in recruitment and retention.

Brian Borschack, a lifelong traditional archer; 1) supports 55 as the minimum age for crossbow usage; 2) questions whether individuals would make the transition from crossbows to compound or traditional bows if allowed to use crossbows at a young age.

Tim Minge supports crossbow usage.

Bob Morgan supports allowing crossbow usage in any hunting season.

Jerry Keck, Michigan Bow Hunters and Tuscola County Archers, said he can accept proposed Components 1 and 2. Regarding Component 3, he does not believe age is a deficiency and does not support invoking a minimum age for crossbow usage. If crossbows are allowed during small game season, he suggests not allowing use of broad head arrows.

Bruce Levey, Michigan Bowhunters, said a crossbow has been developed that is accurate at 100 yards.

Alan Marble believes this crossbow proposal is good and will provide research and statistic development opportunities. He supports 10-12 year old youths to use crossbows with proper training.

Tim Mattson said that crossbows are easy to use. He supports 10 year olds to use crossbows with supervision.

Dave Robb, Ten Point Crossbows, said manufacturers are willing to set speed/velocity limits on crossbows and he would be willing to make that recommendation to the manufacturers.

Larry Holcomb supports lowering the minimum age limit for crossbow users if their shots are accurate. Using a crossbow versus a bow are not comparable and said crossbows are not bows. He supports disabled individuals using a crossbow.

Jeff Deregnacourt supports lowering the age for crossbow use to 55 years old. He noted it is difficult to get youth into hunting.

Name Unknown said he has used both a crossbow and a bow and said one weapon does not kill more deer than another. He supports 55 years of age minimum or younger.

The meeting adjourned at 2:45 p.m.